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STATE DOCUMENTS

MONTANA
SALARY COMMISSION

Report and Recommendations

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Helena, Montana 59601

November 15, 1973

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MONTANA SALARY COMMISSION

	<u>Appointed by</u>	<u>Term Expires</u>
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Robert Saunders 410 Silver Lane Billings, Montana 59101	Speaker of the House	3/1/77

INTRODUCTION

The Montana Salary Commission was authorized by the new Constitution of the State of Montana. The commission has considered the salaries of the House and Senate, of the Legislature, all elected state officials as the Executive branch, and the Supreme and District Court judges and the Clerk of the Supreme Court comprising the Judiciary.

Montana has generally adopted the theory of the separation of powers provided in the Constitution of the United States of America. We recognize that no branch of government is more important than the others, and that the interdependency created by the Constitution provides the most desirable balance of powers.

Other commissions have been established to study the salaries of other state employees. This commission has been required to submit its report before any of the others. We hope that our report will not be used to establish automatic percentage increases for other employees in other areas without the equivalent amount of study. Perhaps a volunteer comment is appropriate at this point. This commission is deeply concerned about its apparent inability to fix salaries which bear some reasonable relationship to abilities and work output. We are equally disturbed by the lack of coordination between commissions and/or agencies charged with salary considerations.

We believe that anything less than a commission empowered to

consider all salaries will be unsatisfactory. Recommendations, including ours, are temporary measures. An adequate solution might very well be found, but a coordinated effort is necessary. Professional, legal, educational, and practical qualifications should be considered in each job classification, elective or otherwise, and compensation fixed accordingly.

The Montana Salary Commission has not approached its job with a view to "keeping up with the Joneses." We have, however, reviewed extensive and comprehensive studies conducted in other states. Each of these studies has been examined thoroughly by all members of the commission. Many other states have given similar commissions generous budgets for research. No such allowances were provided for this commission. The Montana Legislative Council, however, has given us all the help we asked for or needed. Its assistance was invaluable, and certainly made our task much easier. Sister state studies were helpful but did not govern our recommendations.

There is no indisputable "proof" that a better salary attracts a better man for the job. All common sense, practical persons, however, must recognize that a well-qualified person will accept the higher salaried of two similar jobs. The probable result is that the lower paying position will be filled by second, third, or tenth choice, if at all. We, therefore, hope that a higher salary structure will encourage more capable persons to seek public office, and encourage those of proven abilities now in our government to remain.

This report and recommendation is virtually unanimous. This near unanimity was not achieved by a flip of a coin, rather by study and discussion. We acquired a healthy respect for each other's opinions. Nevertheless, this commission is composed of four Democrats and four Republicans. Much of the discussion was spirited. The initial individual recommendations did not necessarily follow traditional party thinking. Because of our own varying political philosophies, criticisms of past or present elected officials were not permitted to affect our recommendations.

Naturally, the Montana Salary Commission does not expect every Montana citizen wholeheartedly to endorse our recommendations without inquiry. The people of this state would not be Montanans if they did so. However, we do sincerely expect that examiners of this report will consider each office, what it is, and what it might become, rather than the successes or failures of past or present officeholders.

We do believe that our judgment should be respected for the research we have done, and the knowledge we have thus acquired.

This commission has appended to this report exhibits which we consider appropriate to each recommendation. By attaching such exhibits, it should not be concluded that the report contains all the materials studied. The attached bibliography is complete in this respect. The Montana Salary Commission did not predicate its research or recommendations on the question, "Where does the money come from?" Had we been authorized, empowered, or requested to do

so, we would have.

We did address ourselves to the question, "What is a good, qualified person in any given office worth?"

We sincerely believe that we have answered this question.

Respectfully submitted,

MONTANA SALARY COMMISSION

RECOMMENDATIONS

BRANCH	<u>Present Salary</u>	<u>Recommended Salary</u>
<u>Legislative</u>		
Legislator	\$ 3,510 (a)	\$ 5,000 (c)
Speaker of the House	3,810 (b)	5,600 (d)
House Majority Leader	3,510	5,600 (d)
House Minority Leader	3,510	5,600 (d)
President of the Senate	3,810 (b)	5,600 (d)
Senate Majority Leader	3,510	5,600 (d)
Senate Minority Leader	3,510	5,600 (d)
<u>Executive</u>		
Governor	\$25,000	\$36,000
Lieutenant Governor	18,500 (e)	18,500 (e)
Secretary of State	15,000	20,000
Attorney General	19,000	27,000
Superintendent of Public Instruction	17,500	25,000
Auditor	15,000	20,000
Treasurer	15,000	20,000
Public Service Commissioner	14,000	20,000
<u>Judicial</u>		
Chief Justice of Supreme Court	24,000	34,000
Associate Justices of Supreme Court	22,500	33,000
Clerk of Supreme Court	11,500	14,700
District Judges	20,500	28,000

(a) Legislative figure includes salary of \$20 per legislative day and \$33 per day expenses when in session.

(b) Presently only the Speaker of the House and the President of the Senate receive a salary differential of \$5 more per legislative day.

(c) Payable in the following manner:

During a Regular Session -- \$25 per legislative day salary paid as an annual salary on a monthly basis (\$1,500) and \$50 per day expenses paid monthly for three months during a session (\$3,500) for a compensation of \$5,000 per year. Legislators are also entitled to twelve cents per mile for each mile of travel to and from their residences and the place of holding the session by the shortest regularly traveled automobile route.

During a Special Session -- \$25 per legislative day salary

and \$50 per day expenses paid monthly during such a session.

During the Interim -- While going to, attending, and returning from legislative standing committee meetings and necessary committee business authorized by the chairman of the legislative council during the legislative interim, legislators are entitled to twelve cents per mile, \$25 per day salary, and \$50 per day expenses.

(d) These six legislative leaders should receive \$50 per month payable over a 12-month period above and beyond the compensation accorded to other legislators.

(e) This in effect represents no recommendation, see discussion on pages 23 and 24.

LEGISLATIVE RECOMMENDATIONS

Historically, the Legislature has been the branch of government most closely identified with the people. Each generation in turn has removed requirements of class, property, race, sex, and age in order that the legislative chambers may be filled with the broad interests of the State. The commission has found yet another barrier -- the increased cost of running and serving -- tends to discourage individuals such as low-salaried wage earners and independent businessmen of modest means from seeking or continuing legislative duties.

In order to better understand the working world of legislators, the commission sent a questionnaire to all present Montana legislators. The comments of these legislators were compared to responses of the 1967 legislators to a survey by the Montana Citizens' Committee on the Legislature. We were struck by the similar comments of the two groups. Many of the legislators in both years observed that salaries were inadequate and that the job was becoming more demanding by the year. Yet, since 1967, legislative salary has not increased, or kept pace with living costs.

Two recent legislative modifications require comment.

1. Single member districts;
2. Annual sessions.

The adoption of single member district has, as its central belief, that a legislator should be as accessible as possible to his constituents. Approximately 7,000 people will comprise each district. Responsibility will be fixed. The conscientious legislator will devote more time at home to his legislative tasks.

Annual sessions will at least double the time spent away from his home. Examination of legislative records, in addition to the questionnaires, reveals that since 1967, not only has interim work increased, but legislators have indicated a greater willingness to serve, and be on more committees.

One explanation for the increased interim activities from 1971 to 1973 is that during the period compensation was increased. In 1971 legislators received nine cents per mile for travel and actual and necessary expenses. The Forty-third Legislature increased the mileage to twelve cents, maintained the actual and necessary expenses, but also added twenty dollars per day salary. While this represents a vast improvement over the former pay, twenty dollars often does not cover what a legislator will make in salary if he stayed at home. Therefore, to encourage legislators to continue to assume interim responsibilities, we recommend that the salary be increased to twenty-five dollars per day and expenses changed from "actual and necessary" to fifty dollars per day. Mileage should remain at twelve cents.

During the session, most legislators keep a busy pace. (For a more complete description of legislators, see Exhibits A, B, and C.) They serve on an average of three committees and put in about

48 hours per week. The time rendered by these legislators -- an average of 70 days a year in Helena for session work (not counting time taken for interim committee meetings or special sessions) plus servicing the needs of their constituents throughout the year -- is given by individuals, who with the exception of those retired from occupations, have full-time jobs elsewhere. Writing in the National Civic Review (April, 1965), James Nathan Miller summarized the problem encountered by most legislators:

How many people, for instance, do you know who could afford to devote most of their weekends and evenings to campaigning and sitting at the phone "servicing the electorate," quit their jobs for an average of two to four months a year, support themselves during these months in a hotel in the capital city, spend anywhere from \$1,000 to \$15,000 every couple of years for campaign expenses -- and do all this on a salary and expense allowance of \$4,000 or \$5,000 a year?

Mr. Miller's observation gets at the center of the problem. Annual salaries should be paid to legislators because they have duties that require their time throughout the year. But, what is a fair amount to pay them for the services they render?

There are two viewpoints on this topic. The first school of thought argues that the legislature of Montana should be a "citizens' legislature"; i.e., it should be composed of persons from all segments of Montana life. If large salaries are paid to legislators, the "citizens' legislature" will pass from sight because a new class of professional legislators will come to the

fore and stay in office because the salary alone will be enough to keep them there. In short, the legislature will be composed of professional officeholders and not a group of citizens who leave their work and give service to the state because it is an honor and duty to do so.

The second school of thought emphasizes the increasing complexities of government as the reason to encourage the formation of a legislature more equipped to handle these problems. One way this might be done, it is said, is to pay larger salaries so people are more willing to devote greater time to legislative service. It is further stated that if salaries are not sufficiently large, the legislature will only attract those people who have enough money to serve. Low salaries, it is argued, means a less representative legislature and thereby a weakening of the democratic system.

We attempted to steer a middle course in order to protect the merits of both these views. The recommended annual compensation of \$5,000 is unlikely to tempt anyone to stay in office because of a high salary, but hopefully it will offset the financial losses suffered by most legislators because of their legislative services.

The commission's questionnaire revealed that legislators by a margin greater than two to one lose money providing their services to the state. The bulk of the losses are in amounts over \$1,000.00 but less than \$3,000.00. Some are for a great deal more.

Three factors are responsible for these losses:

1. Living expenses at Helena while in session.
2. Loss of income while in session.
3. Campaign expenses.

It is by no means asserted that the recommended salary for legislators will completely eliminate this problem. Our recommendation is best seen as a method to suggest to those legislators now in office and those who might want to seek office that they can provide service to the state of Montana without financially draining themselves. The commission's recommendation is about a \$1500 annual improvement over what is now paid. Based on the results of the questionnaire, this should offset the losses of about 50 percent of the legislators who indicated they were losing money because of legislative service. We also find the method of payment to be very important. While legislators will receive \$50 per day expenses paid monthly during the session (\$3,500), the \$25 per day salary should be paid as an annual salary on a monthly basis (\$1500 or \$125 every month). This last method of payment should aid legislators during the interim when they provide services to their constituents and prepare for the next session.

It is further recommended that six leadership positions -- the Speaker of the House, the House Majority Leader, the House Minority Leader, the President of the Senate, the Senate Majority Leader, and the Senate Minority Leader -- should be paid an

additional \$50 per month over a 12-month period because of the added workload these jobs entail.

Finally, Montana should not lose sight of what other states, most nearly like the Treasure State, pay their legislators. Montana presently ranks approximately 39th in the nation in legislative income, 4th among ten western states, and 5th among the thirteen least populous states. Barring significant salary changes in other states, the commission's recommendation will keep Montana at a very competitive level with states similarly situated. (See Exhibits D and E.)

STATE OF MONTANA

Position Description

Date: November, 1973

Position: State Legislator

(Senator/Representative)

POSITION PURPOSE:

A state legislator is a member of either House of the Legislature which is the policy-making branch of the State Government of Montana. Policies of the state are represented by the state laws enacted by the Legislature. A state legislator represents the people of a particular legislative district as well as all citizens of the State of Montana.

DIMENSIONS:

State Budget: \$440,000,000

Personnel: 267

NATURE AND SCOPE:

Historically a member of the Montana Legislature has been expected to be a part-time legislator. The complexion, procedures, and time available to the Legislature has changed substantially in Montana during the last year.

A state legislator must represent his constituents by bringing to the attention of the Legislature the problems affecting citizens of his district which can be solved through the enactment of legislation or improved administration of existing laws. He must be able to anticipate problems. He should become knowledgeable in regard to specific problems of his legislative district and the problems of the state as a whole.

A legislator is expected to read hundreds of bill drafts, reports, and letters and respond to the contents of such documents. In addition, he is expected to meet with many groups and individuals in order to hear and learn their opinions on issues facing the Legislature.

A state legislator can normally expect to be in Helena during the first two and one-half months of each year. He will usually be away from his home district Monday through Saturday.

In addition to the time which must be devoted to legislative sessions, a state legislator is expected to devote time in his home district to its problems and the time involved varies considerably. Evenings and weekends may be spent speaking with constituents and answering questions in regard to pending or proposed legislation. In addition, he can expect that his normal business working day will be periodically interrupted.

About 63% of the legislators attend interim legislative study committee meetings during times when the Legislature is not in session. As a member of either a standing committee or an interim

study committee he will be expected to become more knowledgeable in, and respond to, the problem areas assigned to his committee.

The legislators have neither adequate staff nor office space. This increases their workload and decreases their efficiency.

A member of the Legislature must be an inhabitant of the State of Montana one year preceding his election. For six months prior to the election, he is required to be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.

STATE OF MONTANA

Position Description

Date: November, 1973

Position: Speaker of the House

POSITION PURPOSE:

The Speaker is the presiding officer of the House of Representatives. He is in charge of all its operations. It is the duty of the Speaker to preside over each session every legislative day, and to see to it that all legislation is in order as presented on the various calendars.

The Speaker shall preserve order and decorum in the House of Representatives.

DIMENSIONS:

State Budget	\$440,000,000
Number of Representatives	100
Staff	157

NATURE AND SCOPE:

The Speaker is elected for a two year term, which is a biennium, by the members of the majority party. However, he is indirectly responsible to the minority party as well as to all the people of

EXHIBIT B

the State. It is his duty to meet with the members of the policy committee of his party at least two or three times a week, to meet with the members at the regular caucuses, and to meet with the rules committee which is a bipartisan committee. He is to be available to meet with individuals to consider legislation or proposed legislation. It is necessary that he work with the Majority Leader in handling various legislation that needs to be processed.

The Speaker of the House must appoint all House committees, chairmen therefore, and generally supervise their activities with the view to prompt and orderly disposition of pending legislation. The Speaker generally supervises House employees, signs payroll checks, and directs answers to communications addressed to the House. He must be thoroughly knowledgeable on budget, and other pending legislation, and be able to answer the questions put to him by other House members.

The Speaker assigns all bills to the appropriate committees and coordinates their activities.

Now that Montana has gone to annual sessions, it will mean that the Speaker is required to spend more time on the legislative work than was required during the time when we had biennial sessions. There will not be double the amount of detail work, but there will be quite a lot of duplication, inasmuch as the same employees will not be available the second session that were available during the first session. Also, during the interim, Standing Committees may possibly ready their legislation earlier than would have been the

case with Study Committees. As time goes along and annual sessions prevail it will take more and more time for a Speaker to handle the necessary arrangements and obligations with regard to operating the House of Representatives. In addition to the House, he is obligated to keep in close touch with the Senate to see that legislation keeps moving along and that agreement is achieved in all areas possible so that the people of Montana will be best served.

STATE OF MONTANA

Position Description

Date: November, 1973

Position: Majority/Minority Leader

POSITION PURPOSE:

To exercise leadership among the members of his party to ensure enactment of legislation that he feels will be in the best interest of the State of Montana and its citizens.

NATURE AND SCOPE:

A Majority/Minority Leader is a member of the legislature, elected by the people of his district. He is elected to his post as Leader by his fellow legislators of his party.

As a Leader, he must be more knowledgeable and influential than those legislators who do not occupy such positions. He is Chairman of his party caucus. He must work with other party leaders to establish and implement policy. During a session, he must solve the mechanical problems of passing legislation. He must anticipate problems to be resolved and set priorities on legislative action to be taken. He must act as liaison with others in legislative leadership positions, the Executive Branch, and individual legislators and act as spokesman for his party.

EXHIBIT C

His decisions will be more exposed to publicity and possible criticism from the press, public and fellow legislators than the decisions of their fellow legislators.

A legislative leader will be required to devote a much greater portion of his time throughout the year, both in Helena and in his own district, to State business. Often he has more speaking engagements and other activities for public organizations and groups.

While other legislators can excuse themselves from interim work, it is very difficult for legislative leaders to do likewise.

Nationally Ranked Income for Legislators
in Ten Western States

<u>National Rank</u>	<u>State</u>	<u>Salary</u>	<u>Fixed Expenses</u>	<u>Total Compensation Biennial</u>
19	Colorado(a)	\$7,600/yr.	\$1,050/yr. (max.)	\$ 17,300
22	Arizona(a)	\$6,000/yr.	\$20/diem in session	15,600
38	Idaho(a)	\$600/session (max)	\$35/diem in session \$3.50/diem interim	7,661
39	Montana(a)	\$20/diem in session	\$33/day in session	7,020
40	Nevada(b)	\$3,600/sess. (max)	\$30/diem in session \$370/session	6,940
43	S Dakota(a)	\$5,000/bien.	None	5,000
44	N Dakota(b)	\$5/diem in session	\$50/diem in session \$50/month	4,700
46	New Mexico(a)	None	\$36/diem in session	3,240
47	Utah(a)	\$25/diem in session	\$15/diem in session	3,200
48	Wyoming(c)	\$15/diem in session	\$26/diem in session	1,865

(a) Annual Sessions.

(b) Biennial Sessions.

(c) Wyoming cannot meet for more than 60 legislative days in two years or 40 days in one year.

Sources: "Report on Salaries, Expenses in 50 State Legislatures as 1973 Sessions begin," The Citizens Conference on State Legislatures (December 1972). Figures revised by review of 1973 Session Laws and Codes;

"Legislators Pay Raised in Seven States" The American Legislator (July, 1973); and The Book of the States, 1972-1973, The Council of State Governments.

Nationally Parked Income for Legislators
in the Thirteen Least Populous States

Legislator Income Rank	Population Rank	State	Salary	Fixed Expenses	Total Compensation Biennial
3	50	Alaska (a)	\$ 9,000/yr.	\$ 35/diem in session \$ 4,000/yr.	\$35,345
8	40	Hawaii (b)	\$12,000/yr.	\$ 20/diem in session \$ 750/yr.	28,980
30	46	Delaware (a)	\$ 6,000/yr.	\$ 25/yr.	12,050
38	42	Idaho (a)	\$ 600/session (max.)	\$ 35/diem in session 3.50/diem interim	7,661
39	43	MONTANA (a)	\$ 20/DIEM IN SESSION	\$ 33/DIEM IN SESSION	7,020
40	47	Nevada (b)	\$ 3,600/session (max)	\$ 30/diem in session \$ 370/session	6,940
41	48	Vermont (c)	\$ 4,500/biennium (max.)	\$ 8/diem in session	5,484
42	38	Maine (b)	\$ 3,500/biennium	\$ 18/diem in session	5,318
43	44	S. Dakota (b)	\$ 5,000/biennium	None	5,000
44	45	N. Dakota (a)	\$ 5/diem in session	\$ 50/diem in session \$ 50/month	4,700
48	49	Wyoming (d)	\$ 15/diem in session	\$ 26/diem in session	1,865
49	39	R.I. (a)	\$ 5/diem in session 60 legislative days (max.)	None	600
50	41	New Hampshire (b)	\$ 200 biennium	None	200

(a) Annual sessions.

(b) Biennial sessions.

(c) Vermont legislature may divide biennial sessions so as to meet every year.

(d) Wyoming cannot meet for more than 60 legislative days in two years or 40 days in one year.

Source: "Report on Salaries, Expenses in 50 State Legislatures as 1973 Sessions Begin,"
the Citizens Conference on State Legislatures (December 1972). Figures revised
by review of 1973 Session Laws and Codes;

"Legislators Pay Raised in Seven States" The American Legislator (July 1973); and
The Book of the States, 1972-1973, The Council of State Governments.

EXECUTIVE RECOMMENDATIONS

While the Legislature broadly determines state policy and the Judiciary insures that the policy is constitutionally correct, the Executive branch of government faces the day-to-day task of administering the laws.

The individual who has the greatest responsibility in this regard is the Governor. Yet, Montana's Governor is not the highest paid official in the state. In fact, he probably ranks about 40th on the state payroll! To give some indication how low the Governor's salary is in relation to other state employees, a list of the top sixteen salaries paid by Montana is attached as Exhibit A.

What makes the present salary for Governor (\$25,000) even more unreasonable is that in the last few years, because of Executive Reorganization, this office has taken on increased responsibility. Executive Reorganization streamlined the administrative mechanism of state government, giving the Governor greater authority, hence more responsibility, for the direction of state affairs. (See Exhibit B for further information.)

We recommend that the Governor's salary be set at \$36,000. This will become the highest salary paid by the State, as is only just for the highest office in Montana.

No office has given the commission greater concern than that of Lieutenant Governor. We hesitate to make a recommendation

because Montana, for the first time, has a full-time Lieutenant Governor. The commission acknowledges the Legislature's judgment in this matter. However, we anticipate the increasing prominence of this office.

The fact that no recommendation is made should not be construed as a reflection on the office or the incumbent. Quite the contrary. The attached position description (Exhibit C) testifies to the dedication and ability of the present officeholder.

The commission believes that the Attorney General's salary should be set at \$27,000. This approximates the salary recommendation for a district judge (\$28,000) and also reflects the added responsibilities this office has encompassed in the last few years with the creation of the Department of Law Enforcement and Public Safety. (See position description in Exhibit D.)

In its investigation the commission found three offices -- the Superintendent of Public Instruction, the Secretary of State, and the Public Service Commission -- that have employees whose salaries are higher than the elective heads of those offices.

The Assistant Director of Vocational Education in the Office of Public Instruction makes as much as the Superintendent (\$17,500) and eight other employees exceed that amount. The Secretary of State has one employee making more than the Secretary (\$15,000). The Public Service Commission has one individual who matches the Commissioners' salaries (\$14,000) while two other

members surpass that salary. (See Exhibits E and F. Exhibits G to K describe the duties of the three offices mentioned above as well as the Auditor and Treasurer.)

Such discrepancies are the result of the State paying salaries below what similar jobs would pay in the private sector or in other areas of government service. For example, it would be difficult to attract an experienced attorney to work for a salary as low as \$14,000, which is the problem faced by the Public Service Commission. The Superintendent's office must compete with school districts for experienced administrators. In 1972-1973 the lowest salary paid to a school administrator in a First Class District in Montana was \$16,550. (See Exhibit L.) The highest salary was \$28,500, well over the \$17,500 paid to the Superintendent who has the overall responsibility for the education of Montana children.

Just as the Governor should be the highest paid official in the State because he holds the greatest responsibility, so too should elective officials have salaries above their employees and commensurate with the positions they hold. The commission's recommendations, in all cases, insure this will happen.

The commission has also found that Montana ranks near the bottom when the salaries of Executive officials in the Treasure State are compared to those paid in ten other western states and the thirteen least populous states. (See Exhibits M to T.)

In light of the above problems the commission recommends the

following salaries be paid to Executive officials:

Governor	\$36,000
Lieutenant Governor	18,500
Attorney General	27,000
Superintendent of Public Instruction	25,000
Secretary of State	20,000
Auditor	20,000
Treasurer	20,000
Public Service Commissioner	20,000

TOP SIXTEEN SALARIES PAID TO MONTANA OFFICIALS

<u>TITLE</u>	<u>SALARY</u>
Superintendent Warm Springs State Hospital	\$34,000
Administrator Division of Planning and Economic Development Department of Intergovernmental Relations Professor of Business Administration	33,263(a)
President Montana State University	33,000
President University of Montana	33,000
Commissioner of Higher Education	32,500
Chief, Bureau of Clinical Services Boulder River School	31,739
Chief, Bureau of Medical Services Boulder River School	31,500
Superintendent Galen State Hospital	31,500
Director Health and Environmental Sciences	30,500
Dean, School of Law University of Montana	29,988
Psychiatrist III Warm Springs State Hospital	29,005(b)
Physician III Galen State Hospital	29,003
Director, Health Services University of Montana	28,751
Administrative Vice President Montana State University	28,500
Dean of Engineering Montana State University	28,325
Academic Vice President University of Montana	27,510

(a) Combined salaries.

(b) Recently left state payroll.

Note: These salary figures do not include provisions such as housing, cars, or other aids provided by the state, nor do they indicate whether individuals may have practices or employment in addition to their state job.

Sources: Figures supplied by the Bureau of the Budget, Central Payroll, University of Montana Business Office, Montana State University Business Office, and various state institutions.

STATE OF MONTANA

Position Description

Date: November, 1973

Position: Governor

POSITION PURPOSE:

The Governor is the chief executive, responsible for administering the affairs of state government, expected to promote economic expansion, assure environmental protection, fund all areas of government at adequate levels, maintain reasonable rates of taxation, improve schools, highways and social services, coordinate the activities of state agencies, prepare the budget, and supervise the implementation of programs.

The Governor is the chief policy maker, responsible for establishing the major objectives of the state by preparing the budget, proposing legislation, and using persuasion and veto power if necessary.

The Governor is the chief negotiator, responsible for representing the state in its relationships with cities and counties, other states, and the national government.

The Governor is the leader of public opinion in the state, because he is the most visible of state officials and is able to focus public attention on specific issues.

EXHIBIT B

The Governor is the chief ceremonial officer of the state, representing its citizens, meeting with individuals and groups and performing the protocol functions required in any government.

DIMENSIONS:

Budget: \$110,000,000

Staff: 12

NATURE AND SCOPE:

Reporting to the Governor are the appointed heads of the nineteen state departments, numerous boards and commissions, and the Governor's staff. There are six units included in the Office of the Governor. Besides the Executive Staff, which helps the Governor to properly administer the affairs of state, his office includes the Addictive Diseases Unit, the Citizen's Advocate, the Federal-State Coordinator, the Government Operations Unit, and the Manpower Planning Unit.

Of great concern to the state is the Governor's planning and leadership function. Anticipating and effectively communicating to the public and the Legislature the problems of the future and recommending appropriate action has a profound effect on the life of each citizen of Montana. Programs, budgets, and projected needs prepared by subordinate units of government are reviewed and approved by the Governor and, as required, are justified and presented to the Legislature for action. Preparation of his annual report to the Legislature is another major leadership

function of the Governor's position.

The Governor has the authority and the duty to appoint the heads of the executive departments, except as otherwise provided for in the Constitution or by law, and all other principal officers of the state not elected by the people, subject to confirmation by the Senate. If a vacancy occurs in any of these offices when the Legislature is not in session, the Governor has the power and duty to fill the vacancy until the office is confirmed by the Senate.

All bills passed by the Legislature, except bills proposing amendments to the Constitution, bills ratifying proposed amendments to the U.S. Constitution, resolutions, and initiative and referendum measures, must be submitted to the Governor for his signature. He may approve, by signing, a bill passed by both Houses or he may disapprove by veto, or he may allow a bill to become law without his signature. The Governor may also return bills to the Legislature with his recommendation for amendment. The Governor has the power of item veto with regard to appropriation bills.

The Governor has the authority to convene the Legislature for special sessions whenever he considers it in the public interest. The Governor may also authorize expenditures in case of emergencies or disasters.

At the beginning of each legislative session, the Governor must, and may at other times, give the Legislature information and recommend measures he considers necessary. The Governor must also

submit a budget to the Legislature for each fiscal biennium. It must set forth, in detail, for all operating funds the proposed expenditures and estimated revenue of the state.

The Governor may grant reprieves, commutations, and pardons, restore citizenship, and suspend and remit fines and forfeitures subject to procedures provided by law.

The Governor is Commander-in-Chief of the military forces of the state, except where they are in the actual service of the U.S. He may call out any or all of the forces to aid in the execution of laws, suppress insurrection, repel invasion, or protect life and property in natural disasters.

The Governor may require information in writing, under oath when required, from the officers of the executive branch upon any subject relating to the duties of their respective offices. He may require information in writing under oath from all officers and managers of state institutions. He may appoint a committee to investigate and report to him upon the condition of any executive office or state institution.

The Governor shall nominate a replacement from nominees selected in the manner provided by law for any vacancy in the office of Supreme Court Justices or District Court Judges. These nominations are to be confirmed by the Senate.

The Governor is a member of several boards, including the State Board of Land Commissioners, Board of Examiners, State Board of Education, Board of Regents of Higher Education, and the Board of

Public Education.

The Governor has the authority to create and to appoint the members of advisory councils and quasi-judicial boards.

Other specific powers and duties of the Governor include issuing election proclamations and land patents, offering rewards for escaped convicts, granting or denying extradition in cases of fugitives from justice, and requiring the Attorney General to appear on behalf of Montana in any legal proceeding against the state.

No person is eligible for the position of Governor who is not a citizen of the United States and has not resided within this state for two years next preceding his election, and attained the age of 25 years at the time of his election.

Increases in Duties or Responsibilities Within the Last Year:

The Executive Reorganization Act of 1971 provides the Governor with power closely commensurate with his responsibility. This was accomplished by strengthening the appointing power of the Governor and giving the Governor general policy-making and administrative control over much of the executive branch. All nineteen principal executive departments have been implemented by executive order. Implementation responsibilities included coordinating the preparation of reorganization plans which contained each department's organization and functional charts, program descriptions, space requirements, potential savings, and disposition of property, personnel, and funds.

The result of implementation has been to clarify lines of communication, authority, and responsibility between the Governor and the departments and between and within each department; effect dollar savings, particularly through the centralization of administrative services; eliminate duplication in the delivery of services; and generally make state government more manageable, responsive, and effective.

Another major task within the last year has been the preparation of preliminary drafts of legislation to recodify the laws of reorganized departments. This legislation is necessary in order to reflect the changes in the law made expressly and impliedly by the Executive Reorganization Act. The legislation, together with written comments, totaled 2,000 to 3,000 pages and was submitted to the 1973 Legislative Assembly. Three of these recodification bills were passed and signed by the Governor, while the remainder were held over to 1974.

During the last year, three new units were established within the Office of the Governor. The Government Operations Unit is responsible for studying, monitoring, and evaluating the organizational structure, management practices, and functions of the executive branch in order to improve the manageability of state government, in accordance with Senate Bill 189 enacted by the 1973 Legislature. The Government Operations Unit is also required to serve as a general research and planning arm of the Governor's Office. The Government Operations Unit has also been charged with coordinating the updating of the recodification bills

and with coordinating the necessary legislative effort.

The Addictive Diseases Unit is responsible for developing a drug program for Montana that will assist in alleviating drug and alcohol abuse by coordinating the various efforts being put forth to solve the problems of addictive diseases.

The Citizen's Advocate is responsible for handling citizen complaints about state government and providing information about state government.

STATE OF MONTANA

Position Description

Date: August 29, 1973

Position: Lieutenant Governor

POSITION PURPOSE:

The new Constitution calls for the joint filing of the Governor and the Lieutenant Governor in the primary. Article VI, Section 4, of the Constitution provides "the lieutenant governor shall perform the duties provided by law and those delegated to him by the governor." The Lieutenant Governor, therefore, serves as an administrative assistant to the Governor.

DIMENSIONS:

Budget: \$51,120

Staff: 4

NATURE AND SCOPE:

Montana's first full-time Lieutenant Governor has been charged by the Governor with coordinating the State's programs in the areas of drug and alcohol dependence and energy matters, particularly coal development.

The Lieutenant Governor presently serves as Chairman of the Montana Energy Advisory Council (MEAC) which is composed of

EXHIBIT C

representatives from eleven departments of Montana government. MEAC is charged with providing the Governor and other state officials with data to make decisions regarding natural resources.

To date MEAC has accomplished the following:

- (1) Arranged a priority list of documented research proposals relating to human and natural resources on which work has begun while the search for funding continues. MEAC is also coordinating its efforts with the Northern Great Plains Resource Study -- a regional study of energy needs.
- (2) Prepared a matrix of environmental effects relating to human and natural resources and to studies that address themselves to these effects being done by government at all levels, the academic community, particularly in Montana, but in other states as well as industry and the private sector. In this regard MEAC makes in-depth state surveys to determine seasonal impacts on energy supplies, such as tourist traffic on gasoline, harvest demands on diesel and personal and commercial requirements for heating, as well as industrial peak demands.
- (3) Continues to acquire a substantial bibliography of professional paper titles relating to technology and development. MEAC aids the Commissioner of the Department of State Lands and the Director of the

Department of Natural Resources who have had additional administrative duties placed on them by the Plant Siting Act, the new 1973 water law, the Montana Strip Mining and Reclamation Act, the Coal Conservation Act and other such legislation.

As with other public officials the Lieutenant Governor is required by the nature of his office to make numerous public appearances and attend conferences and meetings throughout the State. The Lieutenant Governor also serves as Acting Governor when the Governor is out of the State.

"The executive branch includes a governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor.

"Each holds office for a term of four years which begins on the first Monday of January next succeeding election, and until a successor is elected and qualified.

"Each shall reside at the seat of government, there keep the public records of his office, and perform such other duties as are provided in this constitution and by law."

STATE OF MONTANA

Position Description

Date: October, 1973

Position: Attorney General

POSITION PURPOSE:

To serve as legal officer of the State of Montana pursuant to the powers and duties provided by law, and to serve as head of the Department of Justice.

DIMENSIONS:

Budget: \$6,400,000

Staff: 440 full time, 27 part time

CONSTITUTIONAL AND STATUTORY PROVISIONS:

The qualifications of Attorney General are that he must be twenty-five years of age, a citizen of the United States who has resided within the State three years next preceding his election, and must have been engaged in the active practice of law at least five years before election. If the office becomes vacant by death, resignation, or disability, the Governor shall appoint a qualified person to serve in that office until a successor is elected and qualified.

EXHIBIT D

"It is the duty of the attorney general:

- (1) To attend the supreme court and prosecute or defend all causes to which the state, or any officer thereof, in his official capacity, is a party; and all causes to which any county may be a party, unless the interest of the county is adverse to that of the state, or some officer thereof acting in his official capacity.
- (2) After judgment in any of the causes referred to in the preceding subdivision, to direct the issuing of such process as may be necessary to carry the same into execution.
- (3) To account for and pay over to the proper officer all moneys which may come into his possession belonging to the state or to any county.
- (4) To keep a register of all cases in which he is required to appear.
- (5) To exercise supervisory powers over county attorneys in all matters pertaining to the duties of their offices, and from time to time require of them reports as to the condition of public business entrusted to their charge.
- (6) To give his opinion in writing, without fee, to the legislative assembly, or either house thereof and to any state officer, board or commission, any county attorney, and to the board of county commissioners of

any county of the state, when required upon any question of law relating to their respective offices.

- (7) When required by the public service, or directed by the governor, to assist the county attorney of any county in the discharge of his duties.
- (8) To bid upon and purchase in the name of the state, and under the direction of the board of examiners, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and to enter satisfaction, in whole or in part, of such judgments as the consideration for such purchases.
- (9) Whenever the property of a judgment debtor in any judgment mentioned in the preceding subdivision has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance taking precedence of the judgment in favor of the state, under the direction of the board of examiners to redeem such property from such prior judgment, lien, or encumbrance.
- (10) When in his opinion it is necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, in behalf of the state, such suits or other proceedings as are necessary to set aside and annul all conveyances fraudulently made by such judgment debtors.
- (11) To discharge the duties of a member of the board of

examiners, state board of land commissioners, board of state prison commissioners, and other duties prescribed by law.

(12) To report to the governor, at the time prescribed by section 59-702 of this code, the condition of the affairs of his department, and to accompany the same with a copy of his docket and of the reports received by him from county attorneys, and to report to the governor as provided in section 59-705."

(13) The Attorney General is the statutory head of the newly created Department of Justice encompassing the following agencies:

- (a) The Office of Attorney General
- (b) State Bureau of Identification and Investigation
- (c) Criminal Investigation Division
- (d) Law Enforcement Teletypewriter Communications System
- (e) Montana Law Enforcement Academy
- (f) Office of the State Fire Marshall
- (g) Registration of Machine Guns
- (h) Registrar of Motor Vehicles
- (i) Montana Highway Patrol

(j) Board of Crime Control

As department head the Attorney General has the duty to administer and set policy for the bureaus and divisions within the Department of Justice.

In addition to the constitutional and statutory provisions discussed above, the Attorney General has other specific duties enumerated in over 180 separate sections of the Revised Codes of Montana, 1947.

Attorney General's Salary Compared with Those of Other States:

In November, 1972, the National Association of Attorneys General published a study concerning the organization, budget and salary in the offices of attorneys general throughout the 50 states. One category compared the salary levels of the attorney general and his staff in the various states.

At the time of the study in November, 1972, the Attorney General of Montana ranked 49th out of 50 states in salary. At the same time, the salary of the chief deputy for the state of Montana ranked 50th out of 50 states. After the Attorney General's statutory salary increase effective January 1, 1973, the Montana Attorney General ranked 44th out of 50 states.

Of the six states which pay the attorney general less than Montana pays its attorney general, two of the six consider the position part-time and two others have not reported their salary levels for more than four years.

TEN HIGHEST SALARIES IN THE OFFICE OF THE
SUPERINTENDENT OF PUBLIC INSTRUCTION

<u>Title</u>	<u>Salary</u>
Assistant Superintendent	\$24,675
Assistant Superintendent	21,500
Executive Assistant to the Superintendent	21,000
Director of Basic Skills	19,950
Director of Vocational Education	19,950
Administrative Assistant to The Assistant Superintendent	19,260
Acting Director of Planning and Evaluation and General Support	19,000
Secondary Education Supervisor	18,030
Assistant Director of Vocational Education	17,500
<u>STATE SUPERINTENDENT</u>	<u>17,500</u>

Source: Office of the Superintendent of Public Instruction,
Salary Roster.

EXHIBIT E

Highest Salaries in the Offices
of the
Secretary of State and the Public Service Commission

SECRETARY OF STATE

<u>Title</u>	<u>Salary</u>
Chief Deputy Secretary of State	\$15,600
<u>SECRETARY OF STATE</u>	<u>15,000</u>

PUBLIC SERVICE COMMISSION

<u>Title</u>	<u>Salary</u>
Administrator of Public Utilities and Centralized Services	\$19,000
Attorney	14,491
Administrator of the Transportation Division	14,000
<u>PUBLIC SERVICE COMMISSIONERS</u>	<u>14,000</u>

Sources: Offices of the Secretary of State and Public Service
Commission, Salary Rosters.

STATE OF MONTANA

Position Description

Date: September 1973

Position: Superintendent of
Public Instruction

POSITION PURPOSE:

To provide general supervision of the public schools and school districts in Montana.

DIMENSIONS:

Budget: \$3,425,343

Staff: 138

CONSTITUTIONAL RESPONSIBILITIES:

The Superintendent of Public Instruction is an elective constitutional position.

The State Superintendent is an ex officio nonvoting member of both the Board of Public Education and the Board of Regents of Higher Education, and is one of five members of the executive branch composing the State Board of Land Commissioners.

STATUTORY RESPONSIBILITIES:

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The Superintendent of Public Instruction is responsible to provide general supervision of the public schools of Montana; maintain records pertaining to the state's schools based largely on reports received from school officials; and extend the services, assistance and leadership necessary to improve the state's educational system. The State Superintendent has more than 100 duties and responsibilities principally contained in Chapter 57 of Title 75 of the Revised Codes of Montana. The State Superintendent is authorized to request, accept and expend federal funds available for public schools and public education, and to accept and distribute federal monies for nonpublic education.

The Superintendent of Public Instruction serves as secretary to the State Board of Education, secretary to the Board of Public Education, executive officer of the Board of Public Education for vocational education purposes, member of the governing board of the Teachers' Retirement System, and member of the State Library Commission.

WORKING RESPONSIBILITIES:

The working responsibilities of the State Superintendent's office embrace six major areas: basic skills, vocational and occupational skills; financial and general support for schools; internal support services; research, planning, development and evaluation; and general administration. Efforts of the State Superintendent's office to serve teachers and school district officials take a variety of means and forms. More than 60 state and federal programs, involving a distribution of public funds to

school districts for state equalization aid, pupil transportation, food services, federal impact aid and other purposes in excess of \$76 million, are administered by the office. The State Superintendent's office also provides assistance to teachers and schools through regional workshops, educational conferences, school visitations, making recommendations to the Board of Public Education for the accreditation of schools, approving educational programs, certifying administrative and teaching personnel, operating an audiovisual library, providing consultative and technical assistance to school officials, disseminating information, establishing statewide goals for education, and consultative services for numerous instructional areas.

Constant communication is maintained with more than 650 school districts, 900 public schools and 7,200 teachers.

The scope of the State Superintendent's work requires close official working relationships with local, state, federal, and educational organizations and agencies.

CHANGES IN WORKLOAD:

The amount of legislation and appropriation of funds for public education by both the Montana Legislative Assembly and the Congress have an impact on the workload and responsibilities of the State Superintendent's office. In the past year, uncertainty in federal funding has resulted in fluctuations in staffing patterns and workloads of individuals. On March 31, 1973, there were 163 staff members in the office. On August 31, 1973, the

staff consisted of 137 people. These changes have resulted in numerous adjustments, increased responsibilities and workloads for personnel.

The implementation of the new Montana Constitution and several changes in state law during the 1973 session of the Legislative Assembly have increased the workload and responsibilities.

The educational needs and interests of Montana citizens also are factors which have affected the workload and responsibilities. In response to an evident need, the State Superintendent's office has implemented the School-Community Assistance Process. Office personnel are currently working with local district officials in 20 school districts which have elected to employ the Process in attempting to change and improve their educational programs.

STATE OF MONTANA

Position Description

Date: September 7, 1973

Position: Secretary of State

POSITION PURPOSE:

Constitutional and statutory law prescribe mainly a two-fold purpose for the Secretary of State: (1) that of filing, preserving and maintaining public and state documents in an orderly system to provide easy retrieval, research and duplication, and (2) membership on certain ex officio administrative and policy-making boards.

Regarding the first purpose above, the office is primarily a service office as opposed to a revenue office, although the law provides that fees be collected for all services performed for the public. In addition, hundreds of state governmental filings are made each year without fee.

DIMENSIONS:

Budget: \$258,285

Staff: 21

Revenue: \$349,772

EXHIBIT H

Total Custodial Records: 670,000

SUMMARY OF CONSTITUTIONAL AND STATUTORY RESPONSIBILITIES:

The Secretary of State has generally, the following duties:

- (1) To receive, examine, approve, file and preserve all documents required by law to be so treated;
- (2) To perform such duties associated with the elections and candidates as are imposed upon him by statute;
- (3) To cause to be printed and distributed all voter election materials;
- (4) To accept and serve process where authorized or required by law to do so.

EX OFFICIO DUTIES OF SECRETARY OF STATE:

Member, State Board of Land Commissioners

Member, Board of Examiners

Member, State Law Library

Board of Trustees

Member, State Board of Canvassers

Secretary, Presidential Electors

SUMMARY:

The above ex officio duties are of high responsibility, demanding

and time consuming and could well be compared to those of a director of a large corporation. They cannot be delegated as they are an individual responsibility directly relating to the officeholder's personal judgment.

STATE OF MONTANA

Position Description

Date: August 31, 1973

Position: Public Service Commissioner

POSITION PURPOSE:

To regulate the intrastate operations of all public utilities in the State of Montana except electric and telephone cooperatives.

NATURE AND SCOPE:

The Commission regulates all jurisdictional public utilities in regard to rates, service standards and safety standards as set forth in detail below:

The statutory authorizations for the activities of the Department of Public Service Regulation and Public Service Commission of the State of Montana and a brief description of the working responsibilities follows:

The Department of Public Service Regulation supersedes the Board of Railroad Commissioners. It has the following duties:

- (1) General supervision, control and regulation of rates, fares, charges, service facilities and safety regulations relating to transportation by rail.

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- (2) Supervision, regulation and control over all public utilities, including municipally owned utilities, furnishing water, electricity, gas heat, power, telephone or telegraph service except electric and telephone cooperatives. Regulation includes all matters relating to rates, services and facilities.
- (3) Supervision of rates, charges, services and facilities of common carriers of petroleum and petroleum products by pipe line.
- (4) Supervision and enforcement of laws and regulations relating to overhead construction of electrical construction.
- (5) Creation, service, regulation and control over "for-hire" motor vehicles operating upon the public highways of the State of Montana, with certain exceptions.
- (6) Authorizing the licensing and use of VHF Booster and Translator Television Systems.
- (7) Every electric or gas public utility must obtain approval of Commission for issuance of certain securities.

PROGRAM DESCRIPTION:

Program -- Department of Public Service Regulation

Goal

To assure the consumer of safe and adequate transportation and utility services at just and reasonable rates.

Objectives

To maintain and improve freight, transportation and utility services through public hearings, staff investigations, audits, inspections and handling consumer complaints.

Achievements

In spite of increased work load, with the addition of only one staff member, all hearings, inspections, investigations, audits and consumer complaints were kept reasonably current.

PERFORMANCE INDICATORS

.....Fiscal Year.....

	<u>1970-71</u>	<u>1971-72</u>
Cost	\$ 266,194	\$ 364,405
<u>Performance:</u>		
Collections	\$ 883,605	\$ 1,001,820
Plant Value of Utilities		
Regulated	\$689,073,000	\$725,747,816
Gross Revenue of Utilities		
Regulated	\$169,880,000	\$176,775,942
Orders Issued	228	166
Hearings Conducted	92	67

Applications for Certificates	173	416
Certificates Issued	34	364
Certificates Transferred	108	174
Show Cause Orders Issued	117	103
Certificates Revoked	32	42
Permits Issued (Interstate)	119	113
Motor Carriers Having Authority	992	1,271
MRS Plates Issued	20,631	17,966
PSC Identification Stamps Issued		32,564
Commission Staff	20	21
Utilities Regulated	1,231	1,563

A conservative estimate places well over 10,000 employees with the utilities regulated. A comparison of the regulating agency having only 20 employees, pinpoints the awesome responsibilities of the position of Public Service Commissioner.

This distinction is further emphasized by comparing the nearly \$177,000,000 in revenues of the regulated utilities to the cost of the regulating agency of \$365,000.

STATE OF MONTANA

Position Description

Date: August 31, 1973

Position: Auditor

POSITION PURPOSE:

The State Auditor is to superintend the fiscal concerns of the State, and to report all state funds as reconciled with the Treasurer each month. The Auditor also serves as Ex Officio Commissioner of Insurance and Investment Commissioner. The Auditor is member of the State Canvas Board, the State Land Board, and the State Law Library Board. The Auditor also administers the Central Payroll.

DIMENSIONS:

Budget: \$1,048,477

Staff: 32 (one-half time)

NATURE AND SCOPE:

The Auditor's office contains five divisions:

- (1) Investment -- administers the Securities Act of Montana which requires the registration of securities, broker-dealers, investment advisers, salesmen and

EXHIBIT J

investigations and examinations within and without Montana. The Investment Commissioner exchanges information with other states and the United States Securities and Exchange Commission regarding security activities and promoters.

- (2) Management and Control -- controls and verifies all state warrants.
- (3) Administrative -- pre-audits all claims prior to final processing. This serves as an internal control of the disbursing of state funds from the incurring expenses of obligatory agents and departments of state government.
- (4) Central Payroll -- operates a uniform state central payroll system for all state agencies.
- (5) Insurance -- The Commissioner of Insurance is charged and funded by the Legislature to make reasonable rules and regulations necessary to enforce Title 40, R.C.M. 1947 (Insurance and Insurance Companies). The Commissioner delivers a yearly report to the Legislature and the Governor on his office.

The Commissioner examines the activities and records of each authorized insurer and those applying for an initial certificate of authority. The Commission also reviews the activities and records of those who control insurers, such as agents or solicitors whether done by

contract or any other such arrangement.

500 state bonds and/or insurance certificates are reviewed monthly to verify coverage and countersignature of licensed agents of the surety company involved and also to confirm the authority of the company official to execute the bond as power of attorney. This service is performed for the following state departments:

Highway

Fish and Game

Administration

Agriculture

Livestock

Revenue

Public Service Regulation

Land Commission

Each year after renewals have been processed, an individual listing is prepared and mailed to each insurance agent, with the exception of individuals licensed to sell life insurance only, advising him of how his license appears on department records and listing all insurers who have renewed his appointment for them for the coming year.

STATE OF MONTANA

Position Description

Date: August, 1973

Position: State Treasurer

POSITION PURPOSE:

To act as custodian of the state's cash, trust fund investments and other securities and collateral, and to pay authorized warrants.

DIMENSIONS:

Budget:	\$ 111,34
Staff:	\$ 1
Average number of warrants processed daily:	4,50
Average cash volume daily:	\$ 2,035,000.0
Invested funds:	\$305,611,132.1
Pledged collateral (147 banks)	\$ 81,359,130.0
Bonded indebtedness as of July 31, 1973	\$ 81,454,100.0
Contractors retainage as of July 31, 1973	\$ 5,434,306.0

EXHIBIT K

SUMMARY OF CONSTITUTIONAL AND STATUTORY

RESPONSIBILITIES, AND WORKING RESPONSIBILITIES:

The State Treasurer must receive, preserve, account for, and ultimately disburse the funds of the State of Montana, whether received from taxation, investment, sales, federal, or other sources.

SALARIES OF MONTANA SCHOOL ADMINISTRATORS
First-Class Districts

1972-73

<u>SCHOOL</u>	<u>SALARY</u>	<u>Travel Allowance</u>	<u>Other Fringe Benefits</u>
Anaconda	\$20,000	\$20 per mo. in dist. full exp. out of dist.	\$31 dist. pd. health ins. per mo. Car Insur.
Billings	27,800	\$40 per month	
Bozeman	23,500	9¢ per mile plus exp.	District paid health & disability ins.
Butte	26,400	9¢ per mile plus exp.	\$30 per month health ins.
Columbia Falls	18,090	10¢ per mile and exp.	Dist. pays 60% of health ins. premium
Glasgow	19,000	10¢ per mile plus \$15 per diem in state.	District paid health ins.
Glendive	20,300	Actual exp. plus 9¢ per mile or commercial carrier. \$480 for in-district.	\$17 per month health ins.
Great Falls	28,500	Dist. auto & expenses	District paid health ins.
Havre	22,990	\$2,000 per year for out-of-dist. travel. \$65 per mo. in dist.	\$15 per month health ins.
Helena	24,000	\$35 per mo. in dist.	District paid health ins.
Kalispell	22,000	Mileage & per diem	
Libby	20,500	Dist. auto & expenses	District paid health ins.
Livingston	20,000	8¢ per mile in state, actual exp. out of state.	
Miles City	19,110	8¢ per mile plus meals and lodging.	District paid health ins.

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Missoula Elem.	25,725	\$600 travel allowance	
Missoula Co. H.S.	25,320	Dist. auto & expenses	District paid health ins.
Wolf Point	16,550	\$25 per mo. in dist. 9¢ per mile + \$13.50 per diem out of dist.	District paid health ins.

Compiled by Montana Education Association for Montana Association
of School Administrators, December 1972.

Regionally Ranked Income for
Governors in Ten Western States

<u>State</u>	<u>Governor Income Rank</u>	<u>Salary Rank</u>
Colorado	1	\$40,000
Wyoming	2	37,500
Arizona	3	35,000
Utah	4	33,000
Nevada	5	30,000
Idaho	5	30,000
North Dakota	7	26,000
New Mexico	7	26,000
South Dakota	9	25,000
MONTANA	9	25,000

Population Ranked Income for
Governors in the Thirteen Least Populous States

<u>State</u>	<u>Governor Income Rank</u>	<u>Salary Rank</u>
Rhode Island	1	\$42,500
Hawaii	2	42,000
Alaska	3	40,000
Wyoming	4	37,500
Delaware	5	35,000
Vermont	5	35,000
New Hampshire	7	31,500
Idaho	8	30,000
Nevada	8	30,000
North Dakota	10	26,000
South Dakota	11	25,000
MONTANA	11	25,000
Maine	13	20,000

Sources: Salaries and Compensation of Legislators and State Administrative Officials: Annual Salaries (Tabular Summary), Council of State Governments (December 1972). Revised by review of 1973 Codes and Session Laws and Survey of States.

EXHIBIT M

Regionally Ranked Income for Lieutenant
Governors in Ten Western States

<u>State</u>	<u>Lt. Gov. Income Rank</u>	<u>Salary Rank</u>
Colorado (a)	1	\$25,000
MONTANA (a)	2	18,500
New Mexico (a)	3	15,000
Idaho (b)	4	10,000
Nevada (b)	5	6,000
North Dakota (b)	6	4,500
South Dakota (b)	7	3,500
Arizona (c)	--	0
Wyoming (c)	--	0
Utah (c)	--	0

Population Ranked Income for Lieutenant Governors
in the Thirteen Least Populous States

<u>State</u>	<u>Lt. Gov. Income Rank</u>	<u>Salary Rank</u>
Alaska (d)	1	\$36,000
Hawaii (d)	2	35,700
Rhode Island (a)	3	25,500
MONTANA (a)	4	18,500
Vermont (a)	5	15,000
Idaho (b)	6	10,000
Delaware (a)	7	9,000
Nevada (b)	8	6,000
North Dakota (b)	9	4,500
South Dakota (b)	10	3,500
New Hampshire (c)	--	0
Wyoming (c)	--	0
Maine (c)	--	0

- (a) Full-time position.
- (b) Part-time position.
- (c) No office of Lieutenant Governor.
- (d) Lieutenant Governor and Secretary of State are the same office in Hawaii and Alaska.

Sources: Salaries and Compensation of Legislators and State Administrative Officials: Annual Salaries (Tabular Summary), Council of State Governments (December 1972). Revised by review of 1973 Codes and Session Laws and Survey of States.

Regionally Ranked Income for
Secretaries of State in Ten Western States

<u>State</u>	<u>Secretary of State Income Rank</u>	<u>Salary Rank</u>
Wyoming	1	\$23,000
Arizona	2	22,000
New Mexico	3	20,000
Utah	3	20,000
Colorado	3	20,000
North Dakota	6	19,500
Nevada	7	18,000
Idaho	8	17,000
South Dakota	9	15,500
MONTANA	10	15,000

Population Ranked Income for
Secretaries of State in the Thirteen Least Populous States

<u>State</u>	<u>Secretary of State Income Rank</u>	<u>Salary Rank</u>
Alaska (a)	1	\$36,000
Hawaii (a)	2	35,700
Rhode Island	3	25,000
New Hampshire	4	23,314
Wyoming	5	23,000
North Dakota	6	19,500
Vermont	7	19,000
Maine	8	18,000
Delaware	8	18,000
Nevada	8	18,000
Idaho	11	17,000
South Dakota	12	15,500
MONTANA	13	15,000

(a) Lieutenant Governor and Secretary of State are the same office in Hawaii and Alaska.

Sources: Salaries and Compensation of Legislators and State Administrative Officials: Annual Salaries (Tabular Summary), Council of State Governments (December 1972). Revised by review of 1973 Codes and Session Laws and Survey of States.

Regionally Ranked Income
for Attorneys General in Ten Western States

<u>State</u>	<u>Attorney General Income Rank</u>	<u>Salary Rank</u>
Arizona	1	\$27,500
Colorado	2	26,000
New Mexico	3	25,000
Wyoming	4	24,000
Utah	5	23,000
North Dakota	6	22,500
Nevada	6	22,500
South Dakota	8	21,000
MONTANA	9	19,000
Idaho	10	18,000

Population Ranked Income for
Attorneys General in the Thirteen Least Populous States

<u>State</u>	<u>Attorney General Income Rank</u>	<u>Salary Rank</u>
Alaska	1	\$33,000
Rhode Island	2	31,875
Hawaii	3	30,250
Delaware	4	30,000
Vermont	5	24,000
Wyoming	5	24,000
New Hampshire	7	23,314
North Dakota	8	22,500
Nevada	8	22,500
South Dakota	10	21,000
MONTANA	11	19,000
Idaho	12	18,000
Maine	13	16,500

Sources: Salaries and Compensation of Legislators and State Administrative Officials: Annual Salaries (Tabular Summary), Council of State Governments (December 1972). Revised by review of 1973 Codes and Session Laws and Survey of States.

EXHIBIT P

Regionally Ranked Income for
Education Heads in Ten Western States

<u>State</u>	<u>Education Head Income Rank</u>	<u>Salary Rank</u>
Colorado	1	\$35,000
Utah	2	30,072
New Mexico (a)	3	27,000
Nevada	4	24,750
Arizona	5	24,000
North Dakota	6	20,000
Idaho	7	18,000
MONTANA (b)	8	17,500
Wyoming	9	17,000
South Dakota	10	16,000

Population Ranked Income for
Education Heads in the Thirteen Least Populous States

<u>State</u>	<u>Education Head Income Rank</u>	<u>Salary Rank</u>
Rhode Island	1	\$40,500
Delaware	2	39,347
Hawaii	3	33,275
Alaska	4	33,000
Vermont	5	26,060
Nevada	6	24,750
Maine	7	24,327
New Hampshire	8	23,314
North Dakota	9	20,000
Idaho	10	18,000
MONTANA	11	17,500
Wyoming (b)	12	17,000
South Dakota	13	16,000

(a) New Mexico salary will be \$30,000 January 1, 1975.

(b) Wyoming salary will be \$23,000 January 1, 1975.

Sources: Salaries and Compensation of Legislators and State Administrative Officials: Annual Salaries (Tabular Summary), Council of State Governments (December 1972). Revised by review of 1973 Codes and Session Laws and Survey of States.

EXHIBIT Q

Regionally Ranked Income for
Auditors in Ten Western States

<u>State</u>	<u>Auditor Income Rank</u>	<u>Salary Rank</u>
Colorado	1	\$32,000
Arizona	2	24,500
Wyoming (a)	3	23,000
New Mexico	4	20,000
North Dakota	4	20,000
Utah	6	19,000
Nevada	7	18,642
Idaho (a)	8	17,000
South Dakota (a)	9	15,500
MONTANA (a)	10	15,000

Population Ranked Income for
Auditors in the Thirteen Least Populous States

<u>State</u>	<u>Auditor Income Rank</u>	<u>Salary Rank</u>
Alaska	1	\$23,500
Wyoming (a)	2	23,000
New Hampshire	3	21,524
North Dakota	4	20,000
Vermont	5	19,000
Nevada	6	18,642
Rhode Island	7	18,000
Delaware	7	18,000
Idaho (a)	9	17,000
South Dakota (a)	10	15,500
Maine	10	15,500
MONTANA (a)	12	15,000
Hawaii (na)	--	--

(a) Wyoming, Idaho, South Dakota and Montana have elected auditors who most clearly have similar duties.

(na) Not available.

Sources: Salaries and Compensation of Legislators and State Administrative Officials: Annual Salaries (Tabular Summary), Council of State Governments (December 1972). Revised by review of 1973 Codes and Session Laws and Survey of States.

EXHIBIT R

Regionally Ranked Income for
Treasurers in Ten Western States

<u>State</u>	<u>Treasurer Income Rank</u>	<u>Salary Rank</u>
Wyoming	1	\$23,000
Colorado	2	20,000
New Mexico	2	20,000
North Dakota	2	20,000
Arizona	5	19,000
Utah	5	19,000
Nevada	7	18,000
Idaho	8	17,000
South Dakota	9	15,500
MONTANA	10	15,000

Population Ranked Income for
Treasurers in the Thirteen Least Populous States

<u>State</u>	<u>Treasurer Income Rank</u>	<u>Salary Rank</u>
Alaska	1	\$33,000
Hawaii	2	30,250
Rhode Island	3	25,000
New Hampshire	4	23,314
Wyoming	5	23,000
North Dakota	6	20,000
Vermont	7	19,000
Delaware	8	18,000
Nevada	8	18,000
Idaho	10	17,000
South Dakota	11	15,500
MONTANA	12	15,000
Maine	13	13,000

Sources: Salaries and Compensation of Legislators and State Administrative Officials: Annual Salaries (Tabular Summary), Council of State Governments (December 1972). Revised by review of 1973 Codes and Session Laws and Survey of States.

Regionally Ranked Income for
Public Utility Commissioners in Ten Western States

<u>State</u>	<u>Public Utility Commissioners Income Rank</u>	<u>Salary Rank</u>
Colorado	1	\$28,000
Arizona	2	22,500
North Dakota	3	20,000
Nevada	4	19,087
Wyoming	5	19,000
New Mexico	6	18,672
Idaho	7	18,500
South Dakota	8	15,500
MONTANA	9	14,000
Utah	10	8,812

Population Ranked Income for
Public Utility Commissioners in the Thirteen
Least Populous States

<u>State</u>	<u>Public Utility Commissioners Income Rank</u>	<u>Salary Rank</u>
Alaska	1	\$33,000
Hawaii	2	30,250
North Dakota	3	20,000
Vermont	4	19,800
Nevada	5	19,087
Wyoming	6	19,000
Maine	7	18,500
Idaho	7	18,500
New Hampshire	9	16,786
Rhode Island	10	16,458
South Dakota	11	15,500
MONTANA	12	14,000
Delaware	13	11,500

Sources: Salaries and Compensation of Legislators and State Administrative Officials: Annual Salaries (Tabular Summary), Council of State Governments (December 1972). Revised by Review of 1973 Codes and Session Laws and Survey of States.

JUDICIAL RECOMMENDATIONS

DISTRICT COURT

When most adults first meet the Judicial system, it is through the Police or Justice courts, usually in traffic cases. Although we have, in Montana, some very capable and well-qualified Magistrates and Justices of the Peace, too often the reverse is true.

Any person aggrieved in the Justice or Police courts has an automatic right of appeal to the District court. It is here that a citizen is first exposed to the dignity and majesty of the American court system. A position description is attached, marked Exhibit A.

It should be noted that a Montana District Judge has original jurisdiction in all civil, criminal, probate and juvenile matters, in addition to all special writs and lower court appeals.

A review of the court systems of other states reveals that in many instances a district judge will preside in only one type of case such as probate, juvenile, civil, or criminal. This may make for a more efficient system, but also requires more judges. By reason of the exercise of the overall original jurisdiction, the office of District Judge is one of continuous, extensive legal education. He must be expert in all fields.

Although the function of the Supreme Court is to correct errors of the trial court, an appeal is expensive and time

consuming. The usual result of a reversal is a re-trial of the cause. The comparatively small number of reversals in Montana is indeed a tribute to the abilities and qualifications of the District Judges of this state. Experience and recall are so important for trial judges. Whereas a Supreme Court Justice may review and study transcripts and briefs as long as necessary to reach a conclusion, the District Judge must act immediately and often in the course of trial. The citizens of Montana are entitled to the best of the Bar's talent to serve in this sensitive office. History reveals that absolute control of the courts is essential to every totalitarian government. A free, active judiciary stymies the tyrants. A statistical personnel table is attached hereto, marked Exhibit B.

Questionnaires (Sample Exhibits C and D) were sent to all district judges. The results were tabulated, and appear as Exhibit E. Great differences are to be noted in the case loads, travel, and acceptance of cases outside the district. As a matter of right, a Montana litigant may disqualify one or more district judges. On other occasions, a judge may disqualify himself. When either of these occur, a judge from another district is customarily called upon to preside. These types of cases are generally the more complex. The chart, Exhibit E, discloses that the judges who have the lesser case loads are most frequently called upon to preside on these more difficult cases. Likewise, our new Constitution empowers the Chief Justice of the Supreme Court to assign district judges outside their own districts, upon request. The work load is thus equalized.

Summarizing a portion of the statistical material, Montana's "composite" district judge is reflected in Exhibit F. The "composite" judge still has three-plus dependent children. Obviously, the children range from babies to being in college.

A district judge may not practice law after his ascension to the bench. Outside income is restricted sharply by the Canons of Judicial Ethics. Montana is in danger of losing many talented members of the Judiciary, simply because their own personal assets, acquired during their practice of law, are being diminished to the danger point by reason of inadequate salaries. Their case loads are higher than in other comparable states, they work longer hours, their calendars are generally as current as the attorneys for the litigants want them to be, they serve with pride and dignity, and continually answer the professional and community calls for service outside the courtroom.

Because of the detail of the "Report and Recommendations of the Iowa Commission on Compensation, Expenses and Salaries for Elected State Officials", a comparative exhibit has been included as Exhibit G. It will be noted that the case load per judge, with essentially the same staff, is more than 25% greater in Montana, as compared to Iowa, but the compensation is more than 25% less.

The case load increase in the past ten years is not altogether reflective of the increased work of the trial courts. The conception of criminal, domestic and juvenile law has been dramatically altered. Likewise, community interest, particularly in the juvenile field, has resulted in more and more claims upon

the time of the presiding judges. They do not refuse to honor these claims.

Exhibit H discloses that the Montana judge is in fact paid the least of any comparable judge of general jurisdiction in the Nation!

We sincerely hope that substantial increases for the Judiciary will be an inducement for present holders of the office to continue to serve, and active and talented members of the Bar will be attracted to the office. A good lawyer does not necessarily make a good judge. Certainly, however, the potential is greater. Therefore, we respectfully recommend that the salary of a District Judge of the State of Montana be fixed at \$28,000 per year.

STATE OF MONTANA

Position Description

Date: November 1973

Position: District Judge

Number: 28

Present Salary: \$20,500.00

Case Load - State Average: 855 Per Year

Average Annual Mileage: 9,555 Per Year

Supporting Staff: One Court Reporter

Retirement System:

a. Retirement Age: 65

b. Benefits:

1. 3-1/3% of salary per year for 15 years

2. 1% of salary for each year over 15 years

c. Source of Funds:

1. 6% contributed by Judge

2. 6% contributed by State

3. One-fourth court fees collected by Clerk of

EXHIBIT A

District Court

- d. A Judge who fails to apply for retirement before his 70th birthday loses all benefits except the accumulated deduction which he has contributed.
- e. Except for ill health, any District Judge who has been retired must, during the remainder of his lifetime, preside when called upon to do so by the Supreme Court.

NATURE AND SCOPE:

A District Judge has the following duties and responsibilities:

- 1. To preside in all criminal actions designated by statute.
- 2. To preside in all civil actions designated by statute.
- 3. To preside in all probate matters designated by statute.
- 4. To preside in all formal juvenile proceedings.
- 5. To advise and counsel parents, guardians, and juveniles, when requested to do so, on an informal basis.
- 6. To preside in all insanity, extradition, naturalization, and other miscellaneous proceedings not otherwise classified.
- 7. To serve on professional and community boards and

commissions, a partial list of which is included hereafter:

- a. Sentence Review Board;
 - b. Juvenile Justice Advisory Council;
 - c. Montana Probate Commission;
 - d. Water Administration Boards and Commissions;
 - e. Crime Board;
 - f. Criminal Law Commission;
 - g. Uniform Criminal Jury Instruction Commission;
 - h. Montana Jury Instruction - Civil;
 - i. Attorney and Judge Grievance Committees;
 - j. Educational Seminars;
 - k. Prison Review Board.
8. To insure that all parties have a fair trial in accordance with settled rules of procedure and applicable substantive law.
9. To sentence guilty parties properly to protect the rights of society and to assure that justice is accomplished as appropriate in each case.
10. To insure that only legally proper evidence is brought

before a jury to protect the rights of the parties in each case.

11. To determine what law is appropriate for each case or motion to guarantee that all decisions are rendered properly under the applicable law.
12. To insure that the jury's decision is in accordance with the evidence and applicable law to protect the rights of all parties involved.
13. To schedule all cases to resolve controversies at the earliest possible date.
14. To provide, by his own personal conduct, such a standard of impartiality, detachment and legal expertise so as to establish and maintain the respect and voluntary acceptance of the court system as a fair and just arbiter of citizens' disputes, in accordance with law. This properly calls for extraordinary strength of character, resistance to temptation, and dedication to duty.

MONTANA DISTRICT JUDGES, 1973

District	Name	Year of Grad.	Total Years of Exper.	Date of Birth	Age	Date of Sen.	Years of Serv.	Years to Eligible Retirement
14	ALLEN, NAT	1936	37	1910	62	12/31/59	14	3
1	BENNETT, OORDON R.	1956	17	1922	51	1/ 1/71	2	14
5	BLAIR, FRANK E.	1921	52	1890	82	11/ 2/70	3	0
3	BOYD, ROBERT J.	1951	22	1923	50	1/ 1/73	0	15
8	BRADFORD, TRUMAN	1923	50	1899	73	1/ 4/65	8	0
4	BROWNLEE, E. G.	1942	33	1917	56	7/29/59	14	9
16	COATE, A. B.	1959	14	1927	46	10/16/67	6	19
17	DIGNAN, THOMAS	1933	40	1911	62	5/14/62	11	3½
4	DUSSAULT, E. T.	1934	39	1911	62	1/ 1/73	0	0
2	FREEBOURN, JAMES	1941	32	1912	61	1/ 4/65	8	4
4	GREEN, JACK	1948	25	1922	51	3/22/63	10	14
7	GULBRANDSON, L. C.	1952	21	1922	50	12/23/59	14	15
8	HATFIELD, PAUL	1955	18	1928	45	1/ 2/61	12	20
11	KELLER, ROBERT S.	1956	17	1927	46	1/ 6/69	4	19
18	LESSLEY, W. W.	1938	35	1907	66	9/ 1/49	24	0
13	LUEDKE, CHARLES	1949	24	1919	54	9/ 1/67	6	11
16	MARTIN, A. B.	1947	26	1913	58	5/24/65	8	7
2	McCLERNAN, JOHN	1936	37	1913	60	1/ 3/49	24	2 or 5
10	McKINNON, LEROY	1951	22	1911	61	6/29/55	18	4
9	McPHILLIPS, R. D.	1960	13	1932	41	1/ 5/63	10	24
1	MELoy, PETER G.	1936	37	1908	65	1/ 3/72	1	3½
8	NELSON, R. J.	1937	36	1913	59	1/ 7/57	16	6
13	SANDE, CHARLES B.	1939	34	1915	57	1/ 3/60	13	8
6	SHANSTROM, JACK	1957	16	1932	40	1/ 4/65	8	25
15	SORTE, M. JAMES	1960	13	1931	42	8/ 1/69	4	23
11	SYKES, ROBERT C.	1947	26	1919	54	9/11/67	6	9½
12	THOMAS, BERNARD	1940	33	1915	58	10/ 1/67	6	7
13	WILSON, ROBERT H.	1953	20	1929	43	10/ 7/69	4	22

Average Years of Experience: 25
 Average Years of Service: 9
 Average Age: 55

EXHIBIT B

QUESTIONNAIRE

Name of Judge:

- A. Average Mileage _____
- B. Number of Times
Presided Outside
District _____
- C. Average Hours Per
Day in Court and
Chambers _____
- D. Average Hours Per
Day at Home (Briefs
and Dictation) _____
- E. Average Monthly
Community Service
Appearances _____
- F. Years of Practice _____
- G. Years on Bench _____
- H. Age _____
- I. Family Status _____
- J. Years to Eligible
Retirement _____
- K. Number of Judges
in District _____

COMMENTS:

EXHIBIT C

DISTRICT

Case Filings

Name of County:

_____	'63	'64	'65	'66	'67	'68	'69	'70	'71	'72
A. CIVIL	_____									
B. CRIMINAL	_____									
C. PROBATE	_____									
D. JUVENILE	_____									
E. OTHER	_____									

EXHIBIT D

SUMMARY OF QUESTIONNAIRES SENT TO MONTANA
DISTRICT JUDGES, 1973

Judicial District	No. of Judges in Dist.	1963 Total Case Load	1963 Aver. Case Load	1972 Total Case Load	1972 Aver. Case Load Per Judge	1972 Cases Outside Dist. 1/	Ann. Mil- age 2/	Aver. Work Week 3/	Mo. Comm. Serv. Appear 4/
1st	two	1,116	558	1,590	795	8	4,900	50	14
2nd	two	1,100	550	1,414	707	20	5,200	50	5
3rd	one	785	785	780	780	6	8,700	45	10
4th	three	2,175	725	3,411	1,137	10	9,400	43	7
5th	one	502	502	615	615	3	20,100	50	0
6th	one	475	475	477	477	50	12,000	50	1
7th	one	930	930	718	718	13	14,200	42	1
8th	three	3,333	1,111	3,612	1,204	10	2,400	46	4
9th	one	981	981	958	958	13	13,500	45	2
10th	one	488	488	470	470	15	1,600	45	1
11th	two	964	482	2,054	1,027	12	10,000	48	10
12th	one	762	762	732	732	8	11,400	40	2
13th	three	2,855	952	4,025	1,342	6	5,100	43	2
14th	one	314	314	316	316	41	22,000	35	4
15th	one	403	403	464	464	12	8,300	42	3
16th	two	720	360	951	475	14	13,000	43	5
17th	one	571	571	439	439	12	9,000	40	1
18th	one	685	685	924	924	28	1,200	53	7
TOTAL	28	19,159	11,634	23,950	13,580	281	172,000	--	74

Average Case Load - 1963: 684
Average Case Load - 1972: 855
Ten-year Percentage Increase: 25%

- 1/ Averages are used in Multi-Judge Districts.
- 2/ Averages are used in Multi-Judges Districts and reduced to the nearest 100 miles.
- 3/ Averages are used in Multi-Judge Districts. Hours include actual time in the courtroom, chambers, review of briefs and pleadings at home and dictation at home. Travel time is not included.
- 4/ Averages are used in Multi-Judge Districts.

EXHIBIT E

COMPOSITE OF MONTANA DISTRICT JUDGES, 1973

Age:	55
Experience:	25
Years on Bench:	9
Children:	3+
Years to Retirement:	10
Case Load, 1963:	684
Case Load, 1972:	855
Mileage Per Annum:	9,555
Cases Outside District:	15
Work Week:	45 hours

+Serves on one or more statutory or professional committees.

EXHIBIT F

COMPARISON OF IOWA AND MONTANA DISTRICT COURTS

	Iowa District Court	Montana District Court
Number of District Judges	76	28
Chief Judges	8	None
Case Load	679	855
Jurisdiction	General	General plus all juvenile
Staff	Court Reporter	Court Reporter
Salary	\$26,000.00	\$20,500.00

EXHIBIT G

JUDICIAL SALARIES AND RANKS FOR GENERAL TRIAL COURTS

<u>State</u>	<u>Salary</u> (a)	<u>Rank</u>
New York	\$40,567	1
District of Columbia	40,000	2
New Jersey	38,500	3
California	36,393	4
Maryland	35,500	5
Connecticut	34,500	6
Alaska	33,000	7
Florida	32,000	8
Georgia	31,800	9
Delaware	31,500	10
Pennsylvania	31,000	11
Hawaii	30,250	12
Illinois	30,000	13
Massachusetts	30,000	13
South Carolina	30,000	13
Michigan	29,850	16
Minnesota	29,750	17
Colorado	28,000	18
Arizona	28,000	18
Rhode Island	28,000	18
Texas	28,000	18
Wyoming	27,500	22
Nebraska	27,500	22
Louisiana	27,250	24
New Mexico	27,000	25
Washington	27,000	25
Wisconsin	26,250	27
North Dakota	26,000	28
New Hampshire	26,000	28
Iowa	26,000	28
North Carolina	25,500	31
Arkansas	25,000	32
Oregon	25,000	32
Tennessee	25,000	32
Indiana	24,200	35
Virginia	24,150	36
Missouri	24,000	37
Nevada	24,000	37
Kansas	23,500	39
Kentucky	23,500	39
Maine	23,500	39
West Virginia	22,981	42
Idaho	22,500	43
Utah	22,000	44
Mississippi	22,000	44
South Dakota	22,000	44

EXHIBIT H

<u>State</u>	<u>Salary</u> ^(a)	<u>Rank</u>
Vermont	\$22,000	44
Alabama	21,500	48
Oklahoma	21,300	49
MONTANA	20,500	50
Ohio	20,250 (b)	51
Federal	40,000	
Average of States	27,480	

Sources: Based on Judicature, The Journal of the American Judicature Society (November, 1972). Updated by a Survey of the States and State Court Administrators.

(a) Where a range in salary exists, a mean salary was computed.

(b) Ohio legislation pending to raise trial judges to \$35,000.

EXHIBIT H

SUPREME COURT

The Supreme Court is the ultimate guardian of the Montana way-of-life. It is in this Court of last resort that all actions of the Legislative and Executive branches of government may be reviewed, upheld, modified, or invalidated. The right of appeal from an adverse decision of a district court is automatic, extending to every litigant. The same intricate questions of law, or analyses of fact, are presented to this court as are presented to the courts of every other state.

The basic freedoms and privileges guaranteed by the Constitutions of the United States of America, and the State of Montana, would be meaningless without a strong, active Supreme Court. The duties imposed on us as citizens would go unfulfilled. Nowhere is it more important to attract and hold the most talented and knowledgeable of the legal profession.

Particularly in the field of criminal law, it has become necessary in recent years, for this court to reconcile the decisions of the Supreme Court of the United States with the law of the State of Montana. The work load of the court has increased sharply. (See attached Exhibit A). The cell-block petitions, for relief, by special writ, must now be considered by the court. The court continues to exercise supervisory powers over the District Judges of the state.

A position analysis of the office of Associate Justice of the

Supreme Court is attached as Exhibit B. The Chief Justice has some additional duties, as set forth in Exhibit C.

Some sixteen years ago the backlog of undecided cases in the Supreme Court of the State of Montana subjected the Court to justifiable criticism. This was resolved, and the Court's calendar is now current. (See attached Exhibit D). The legal cliché "Justice delayed is justice denied" no longer applies to Montana. Cases are now determined as promptly as counsel for the litigants are prepared to submit them. Some pertinent vital statistics concerning the present Supreme Court Justices are attached as Exhibit E.

Although this commission has studied many reports of other states (see bibliography), the "Report and Recommendations of the Iowa Commission on Compensation, Expenses and Salaries for Elected State Officials" was by far the most comprehensive. The work load, budgets, staff, and supporting officers of the two courts are compared in the attached Exhibit F. This comparison is included merely to show that a greater population does not necessarily place a greater burden on a presiding justice. The numbers are bigger, but so is the staff. The conclusion must be reached that a Justice of the Montana Supreme Court is responsible to do more of his own work with virtually the same case load.

The average work week for a Montana Supreme Court Justice is 43 hours, spent in court, chambers, library, and at home, studying transcripts, pleadings and briefs. But this does not tell the whole story. When daily confronted with such complex and vital

problems, the man does not exist who can leave them at the office merely because it is 5 o'clock or a weekend.

The members of the Supreme Court are constantly called upon to serve legislative, professional, community, and charitable causes. They cannot, and do not refuse.

And yet, the salary of a Justice of the Montana Supreme Court is the least of any state in the Nation! (See Exhibit G.) Therefore, we respectfully recommend that the salary of the Chief Justice of the Montana Supreme Court be fixed at \$34,000 per year.

Further, we recommend that the salary of a Justice of the Montana Supreme Court be fixed at \$33,000 per year.

Finally, we recommend that the salary of the Clerk of the Montana Supreme Court be fixed at \$14,700. (See attached Exhibit H).

WORKLOAD OF THE MONTANA SUPREME COURT, 1957-1972

	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972
Cases on Docket January 1, including cases awaiting written opinions	191	122	97	56	16	22	33	25	43	26	22	7	7	6	23	11
Cases Added	119	68	96	80	134	155	192	169	179	160	179	193	215	208	201	225
Total for Year	310	190	193	136	150	177	225	194	222	186	201	200	222	216	224	236
<u>Summary of Dispositions:</u>																
Opinions	117	99	105	118	83	101	129	84	132	114	116	122	126	109	153	149
Dismissals	45	19	17	12	17	12	9	20	118	16	46	28	36	40	22	22
Memos	--	--	--	--	--	--	--	--	--	21	12	3	9	10	--	7
Orders Disposing	3	1	--	10	28	30	62	47	47	22	20	0	15	40	38	37
Dispositions - Total	188	127	145	142	145	167	216	185	211	186	201	119	222	216	224	236
<u>Carry Over:</u>																
Cases to Next Year	122	97	56	16	22	33	25	43	26	22	7	7	8	23	11	31

Cases on Docket January 1,
including cases awaiting
written opinions

Cases Added

Total for Year

Summary of Dispositions:

Opinions

Dismissals

Memos

Orders Disposing

Dispositions - Total

Carry Over:

Cases to Next Year

STATE OF MONTANA

Position Description

Date: November, 1973

Position: Justice

Number: Four

Present Salary: \$22,500.00 Per Annum

Case Load:

(1) Total Filings 212

(2) Total Written Opinions 156

Annual Budget: \$284,641.00 (Including Justices Salaries)

Supporting Staff:

(1) Clerks: 6 (One - a reporting secretary)

(2) Secretaries: 3 (One - a part time)

Retirement System:

(1) Retirement Age: 65

(2) Benefits:

(a) 3-1/3% of salary per year for 15 years

(b) 1% of salary for each year over 15 years

EXHIBIT B

(3) Source of Funds:

- (a) 6% contributed by Judge
 - (b) 6% contributed by State
 - (c) One-fourth court fees collected by Clerk of District Court
- (4) A judge who fails to apply for retirement before his 70th birthday loses all benefits except the accumulated deduction which he has contributed.

NATURE AND SCOPE:

- (1) The Supreme Court is established by the Montana Constitution as the State's highest Judicial body.
- (2) The Supreme Court consists of the Chief Justice, and four Justices, each of which is a separate elective office.
- (3) All five Justices attend all appellate hearings.
- (4) Applications for special writs are heard by all five judges.
- (5) Any District Court Judge of the State may be called upon to serve on the Supreme Court in the absence of a Justice.
- (6) A majority of the Court is necessary to reach a decision.

- (7) The majority opinion is customarily written by a single Justice.
- (8) The other four Justices are at liberty to concur in the opinion, the result only, file a separate opinion, or dissent, with or without written opinion.
- (9) Appeal from an adverse decision by any District Court is available to any litigant as a matter of right.
- (10) Each Justice examines all pleadings, transcripts, briefs, and evidence submitted in every case.

The Supreme Court has the following powers and duties:

- (11) Where jurisdiction is properly invoked, to invalidate acts of the Executive and Legislative branches of the State government, if found to be in contravention of the Constitution of the State of Montana or the United States of America.
- (12) To review and rule upon all appeals to establish a rule of law that binds other courts and agencies of the State in future litigation.
- (13) To create and develop the State's common law to protect its citizens, the resources of the State, and our cherished way of life.
- (14) To issue extraordinary writs, when necessary, to accelerate or facilitate the legal processes, when a

lower court has failed to act, or is about to act beyond its jurisdiction.

- (15) To supervise, and when necessary, discipline members of the legal profession to uphold standards of professional ethics and responsibility.
- (16) To promulgate Canons of Professional Ethics.
- (17) To promulgate rules for practice before the Supreme Court.
- (18) To promulgate rules for District Courts.
- (19) To supervise the District Court Judges when necessary to promote the orderly and efficient administration of justice.
- (20) To initiate, if necessary, disciplinary action against any District Court Judge.
- (21) To hear and determine special writs of habeas corpus, prohibition, mandamus, injunction, supervisory control, or quo warranto.
- (22) To assume jurisdiction and hear original cases when deemed in the best interests of the State of Montana and its citizens and where commencement of suit in the District Court would indicate that the remedy sought was neither plain, speedy, nor adequate.
- (23) To serve, without additional compensation, on such

public and professional committees such as:

- (a) Juvenile Justice Advisory Council
 - (b) Montana Probate Commission
 - (c) The Commission on Practice
 - (d) Criminal Code Commission
 - (e) Uniform Civil Jury Instruction Commission
 - (f) Uniform Criminal Jury Instruction Commission
- (24) To appoint District Judges, and other members of the Bar, to the various professional committees calculated to more efficiently administer the judicial process or to provide guidance in other areas of the law.
- (25) To give advice and counsel to the Legislative and Executive branches, or committees or commissions thereof, when requested to do so.

Position Description

Date: November, 1973

Position: Chief Justice

Present Salary: \$24,000.00

Case Load: (See position description, Justice)

Annual Budget: (See position description, Justice)

Supporting Staff: (See position description, Justice)

Retirement System: (See position description, Justice)

NATURE AND SCOPE:

- (1) The Chief Justice serves as a member of the Court and has all the same duties and responsibilities set forth in the position description for a Justice, and in addition, the following:
- (2) The Chief Justice is also the Court Administrator, assigning cases to the Justices where required, and determining the Court's calendars.
- (3) To preside at all en banc meetings of the Court.
- (4) To preside at all out of Court conferences of the Justices.

EXHIBIT C

- (5) Upon request, to assign District Judges, and other judges for temporary service, from one district to another, and from one county to the other, in order to promote the orderly and efficient administration of the judicial process.

WORKLOAD OF THE MONTANA SUPREME COURT, 1963 and 1972**

Detailed Tabulation of Cases in Years of 1963 and 1972**

	<u>Hearings</u>		<u>Writs</u>		<u>Dismissals</u>		<u>Motion Denied</u>	
	Appeals	Writs	Civil - Granted*	Denied	Criminal - Granted*	Denied - Referred		
1963 -	117	55	32	17	23	5	16	2
1972 -	164	48	23	8	25	15	7	19
								10

* When an application for a writ is granted a hearing is set, and the matter comes before the Court a second time. Thus in tabulating the total of hearings held in 1963 one would add 20 to 172 showing 192 court hearings held. In 1972 you would add 30 to 212 and ascertain 242 court hearings were held.

** These figures do not agree with figures on the 1957-1972 chart (Exhibit D) because this comparison deals with filings for writs and hearings of appeals and writs. It does not carry forward cases heard in prior years in which opinions were not yet handed down, nor deduct cases heard and carried forward into the succeeding years awaiting opinion.

THE MONTANA SUPREME COURT, 1973

Name	Total Years of Experience	Years on Bench	Age	Years to Eligible Retirement
JAMES T. HARRISON	47	16 1/2	70	0
WESLEY CASTLES	25	16 1/2	55	10
JOHN C. HARRISON	28	13	60	5
FRANK I. HASWELL	27	15 (2)	55	10
GENE B. DALY	22	3 1/2	55	10

(1) Public Employees Retirement System

(2) Includes service as District Judge

EXHIBIT E

COMPARISON OF IOWA AND MONTANA SUPREME COURTS

	Iowa Supreme Court	Montana Supreme Court
Members of the Court	9	5
Personal Staff	20	9
Annual Budget	\$700,000.00	\$284,000.00
Supporting Departments:		
A. Court Administrator		None
1. Staff	13	
2. Budget	\$250,000.00	
B. Supreme Court Clerk	1	1
1. Staff	4	2
2. Budget	\$ 40,000.00	\$ 27,000.00
Total Case Load:		
A. Filings	600	212
B. Opinions	360	156
Per Justice:		
A. Filings	67-	42+
B. Opinions	40	31+
Total Budget:	\$900,000.00	\$311,000.00
Cost Per Opinion	\$ 2,500.00	\$ 2,000.00

EXHIBIT F

JUDICIAL SALARIES AND RANKS FOR HIGHEST COURTS

<u>State</u>	<u>Salary</u> ^(a)	<u>Rank</u>
New York	\$49,665	1
California	46,583	2
New Jersey	45,000	3
District of Columbia	42,500	4
Illinois	42,500	4
Michigan	42,000	6
Maryland	40,000	7
Pennsylvania	40,000	7
Louisiana	37,500	9
Connecticut	36,000	10
Florida	36,000	10
Alaska	36,000	10
Colorado	35,000	13
Delaware	34,000	14
Massachusetts	33,800	15
North Carolina	33,000	16
Washington	33,000	16
Texas	33,000	16
Hawaii	32,670	19
Virginia	32,550	20
Tennessee	32,500	21
Minnesota	32,500	21
Georgia	32,500	21
Arizona	32,000	24
Missouri	31,500	25
Iowa	31,000	26
Nebraska	30,500	27
Wyoming	30,000	28
Rhode Island	30,000	28
South Carolina	30,000	28
Ohio	30,000 ^(b)	28
New Mexico	29,500	32
Indiana	29,500	32
Vermont	29,000	34
Kentucky	29,000	34
Kansas	28,000	36
North Dakota	28,000	36
Nevada	28,000	36
Wisconsin	28,000	36
New Hampshire	27,500	40
West Virginia	27,500	40
Arkansas	27,000	42
Oregon	27,000	42
Oklahoma	26,000	44
Mississippi	26,000	44
Idaho	25,000	46

<u>State</u>	<u>Salary</u> ^(a)	<u>Rank</u>
Utah	\$24,000	47
South Dakota	24,000	47
Maine	24,000	47
Alabama	22,500	50
MONTANA	22,500	50
<hr/>		
Federal	60,000	
Average of States	32,064	

Sources: Based on Judicature, The Journal of the American Judicature Society (November, 1972). Updated by a Survey of the States and State Court Administrators.

- (a) Figures do not include Chief Justices' salaries if they are more than Associate Justices'.
- (b) Ohio legislation pending to raise Supreme Court Justices to \$40,000.

STATE OF MONTANA

Position Description

Date: August 29, 1973

Position: Clerk of the
Supreme Court

POSITION PURPOSE:

The Clerk is the ministerial officer of the Supreme Court which has both original and appellate jurisdiction. The Clerk has the statutory duty to aid and assist the Chief Justice and four Associate Justices of the Supreme Court in performing all their jurisdictional duties.

DIMENSIONS:

Staff: 2

NATURE AND SCOPE:

One of the major functions the Clerk performs is the filing of transcripts, District Court Files and processing records on appeal.

Daily he compiles and maintains accurate minutes of all proceedings and actions performed by the court. He is the custodian of all the files maintained and preserved in his office files containing the original copies of all cases commenced or

EXHIBIT H

appealed to the Supreme Court since its inception to the present date and all the applications of attorneys that have ever been admitted to the Bar of Montana. These files contain thousands of records.

The Clerk maintains an accurate file and directory of all licensed attorneys eligible to practice in Montana and compiles and distributes a directory of attorneys to anyone requesting the same. Also upon request of attorneys the Clerk issues certificates of good standing.

The Clerk has the duty to confirm all applications presented by persons desiring to participate in the State Bar examination and submits the applications to the Court for their approval.

The Clerk attends the Judges at all formal hearings in the Court and administers the oath of honor to all examinees preceding the bar examination and administers the oath of office to all attorneys before they are issued their licenses to practice law in the State of Montana.

The Clerk is also the administrative executive for the Court. He compiles and submits the budget necessary to defray all the financial expenses of the Court; prepares the payroll, orders and stocks all supplies used by all the Court personnel; approves and pays all claims presented for payment by the Court; prepares and submits reports to all agencies requesting the same; collects and deposits with the State Treasurer all filing statutory fees and lawyers' license fees; and maintains accurate records of the same;

appealed to the Supreme Court since its inception to the present date and all the applications of attorneys that have ever been admitted to the Bar of Montana. These files contain thousands of records.

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also performs all the other incidental duties that are necessary in maintaining a smoothly functioning Court and office.

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